

**From:** Wayne Dernoncourt  
**To:** Microsoft ATR  
**Date:** 1/24/02 11:24am  
**Subject:** the proposed settlement isn't just

I don't feel adequate to express myself, but I will try. There are smarter people than I, hopefully they are also writing on this issue.

Microsoft has been found guilty of illegally using a monopolistic position to further its market in other areas. They have done the same thing in the past, if allowed they will do the same thing in the future.

The settlement only seems to allow for profit companies to seek a license (going from memory here) to use protocols that MS has modified. Protocols that were originally developed as public protocols thus making the internet possible. MS has made slight modifications to the protocol and called the result proprietary extensions. Legal, yes, just, no.

Specifically, the SMB protocol that MS uses for file transfers(?). This has been reverse engineered to allow non-Microsoft systems to inter-operate with Microsoft based systems. The reverse engineering was done as non-profit by individuals with a need to inter-operate with Microsoft systems. My reading of the proposed settlement would allow Microsoft to declare the use of such free tools to be illegal. As a consumer, I need to be able to work among different systems, but since I don't operate a company that markets such a product, I would be prohibited from using free software that does.

Also, Microsoft would have the ability to prohibit companies to essentially stop marketing a product by denying them the ability to use Application Program Interfaces (API's). Again, would it be legal? Yes, would it be just? No.

Take care | This clown speaks for himself, his job doesn't  
Wayne D. | pay for this, etc. (directly anyway)